

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FRANK EDWIN FELLER,	)	
	)	
Plaintiff,	)	4:07CV3117
	)	
v.	)	
	)	
MICHAEL McCARTHY and N-ZONE	)	ORDER
BAR & GRILL,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on the plaintiff's motion for appointment of counsel (Filing No. 10). The Court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained:

Indigent civil litigants do not have a constitutional or statutory right to appointed counsel.... The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim.

(Citations omitted.) The plaintiff has capably presented the factual basis for the claims in this proceeding, and the Court finds that appointment of counsel is not necessary to enable the plaintiff to pursue those claims. Accordingly,

IT IS ORDERED:

1) That the plaintiff's motion for appointment of counsel (Filing No. 10) is denied;

2) The Clerk of Court shall send a copy of this order to the plaintiff at his last-known address.

DATED this 17th day of July, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court